



**Council Meeting: September 13, 2011**

**SUBJECT: Appointment of Ethics Subcommittee and Possible Funding of Ethics Brochure**

**BACKGROUND**

On October 24, 2006, the Council created a Campaign Ethics Public Education Outreach Program and appointed a Subcommittee (Councilmembers Howe, Moylan, and Spitaleri) to work with City staff to develop a campaign ethics brochure for general distribution to the public (RTC 06-329). The Council also approved funding for the printing and distribution of the brochure from what was then known as the Council Set-Aside Fund.

On July 10, 2007, the Council approved an ethics brochure as recommended by the Ethics Subcommittee (RTC 07-233). Titled "Campaign Ethics Guide", it was subsequently distributed to the public prior to that year's November election.

On July 28, 2009, the Ethics subcommittee provided another report to Council in anticipation of the November 2009 election. Council acted to appropriate \$6,000, with a 10 percent contingency, for the reprinting of the Campaign Ethics Guide. It also approved up to \$1,000 for the cost of holding public candidate debates, including the option of a "Last Word" event to discuss any negative campaign issues, and directed the City Manager to have staff cooperate with a moderator in putting on the debates.

On January 5, 2010, Council directed that "the Council Ad hoc Advisory Committee hibernate until just prior to the next City election and appoint three members of the Council who are not running for election at that time." (RTC 10-008.)

**EXISTING POLICY**

From the City's Code of Ethics and Conduct for Elected and Appointed Officials:

The citizens and businesses of Sunnyvale are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. In keeping with the City of Sunnyvale Commitment to Excellence, the effective functioning of democratic government therefore requires that:

- public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial and fair in their judgment and actions;
- public office be used for the public good, not for personal gain; and
- public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

### **DISCUSSION**

This agenda item provides Council the opportunity to appoint an Ethics Subcommittee in accordance with its action on January 5, 2010. To do so, Council would appoint three members of the Council who are not currently running for election.

The Ethics Subcommittee would report back to the full Council, advising the latter regarding a recommended path forward relative to the possible distribution of an ethics brochure, the possible facilitation of candidate forums and/or “Last Word” events, and any other actions it felt reasonable in relationship to the upcoming November 2011 election.

The work of the Subcommittee is time sensitive. Any recommendations from the Subcommittee to the full Council need to be proposed in time to allow for required processing prior to the November election. The recommendation to conduct candidate forums, for example, needs to be made in time to coordinate those events. In fact, the Fall Quarterly Report (traditionally the vehicle by which the Campaign Ethics Guide is distributed to the public) has a print deadline of September 15. Should Council wish to consider the distribution of that document prior to this year’s election, it may wish to authorize the cost of printing and mailing that document as part of its action this evening. It may also wish to authorize the Subcommittee to approve any required revisions to the existing document, so as to preclude the necessity of returning to the full Council for that purpose.

### **FISCAL IMPACT**

The act of appointing an Ethics Subcommittee has no fiscal impact. The cost of mailing and printing the Ethics Brochure is estimated at \$6,000. There is no longer a Council “Set-Aside” Fund, but staff believes this amount can be absorbed by the Office of the City Manager’s current budget.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

Copies of this report were also distributed to each of the current candidates for the office of City Council.

### **ALTERNATIVES**

1. Appoint an Ethics Subcommittee to advise the City Council relative to the November 2011 election.
2. Authorize the Ethics Subcommittee to approve any revisions to the City's "Campaign Ethics Guide" prior to public distribution.
3. Authorize an expenditure of \$6,000 for the printing and mailing of the City's "Campaign Ethics Guide" prior to this November's election.
4. Do not appoint an Ethics Subcommittee to advise the City Council relative to the November 2011 election.

### **RECOMMENDATION**

Staff makes no recommendation regarding whether or not the City should pursue the distribution of an ethics brochure or candidate forums. However, should the Council be interested in the continued distribution of the Campaign Ethics Guide, staff recommends Council:

- approve the funding for that document this evening;
- authorize the Ethics Subcommittee to revise the existing document prior to distribution before this year's election; and
- direct that any such editing result in a generic document capable of serving in any election year (as opposed to the current document which is customized for one year only).

Prepared by: Robert Walker, Assistant City Manager

Approved by:

Gary M. Luebbers  
City Manager

### **Attachments**

- A. RTC 06-329, Public Awareness Program Related to Ethics Guidelines for City Council Elections
- B. Excerpted Minutes from Council Meeting of 10/24/06
- C. RTC 07-233, Report of Ethics Sub-Committee on Proposed Campaign Ethics Brochure
- D. Excerpted Minutes from Council Meeting of 7/10/07
- E. Excerpted Minutes from Council Meeting of 7/28/09
- F. 2009 Campaign Ethics Guide

# ATTACHMENT A



REPORT TO MAYOR AND COUNCIL

OCA NO: 06-329

October 24, 2006

**SUBJECT: Public Awareness Program Related to Ethics Guidelines for  
City Council Elections**

**REPORT IN BRIEF**

The City Council designated a "Public Awareness Program Related to Ethics Guidelines for City Council Elections" as a 2006 study issue assigned to the City Attorney's Office. The topic was suggested as a study issue during the public hearing on 2006 study issues and was sponsored by the Council. The Council held a study session on campaign ethics public awareness programs on October 10, 2006. This Report identifies the Fair Political Practices Commission and City Charter requirements, voluntary Candidate Pledge, and other applicable City ethics and conduct guidelines for both incumbents and new candidates running for City election. The report also discusses examples of campaign ethics education outreach from neighboring jurisdictions and proposes options for a City of Sunnyvale campaign ethics outreach program, with approximate costs. The Council is requested to provide direction on whether it wants to implement a public education outreach on campaign ethics for the 2007 and subsequent City elections and, if so, select the scope of the outreach program and allocate funding.

**BACKGROUND**

Elections for City Council seats are held every two years and involve election campaigns by both incumbent and new candidates for Council seats. Candidates for elected office are subject to state and local requirements and guidelines for running an ethical campaign. The City does not, however, proactively distribute to the general public written or media materials educating the public on campaign disclosure requirements and voluntary code of fair campaign practices guidelines for running an ethical and fair campaign.

During the election season, members of the public often have questions regarding whether there are campaign and disclosure guidelines for City Council candidates and may be unaware that these requirements exist. The public may also be unaware that the Fair Political Practices Commission provides a voluntary ethics pledge and the City has its own ethical guidelines and orientation. Providing information on the campaign and ethics guidelines for candidates could provide the public with valuable information to enable a choice informed by knowledge of ethical campaign guidelines and could also inspire a greater level of participation in the political process and discourage negative campaigning.

Issued by the City Attorney

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Candidates for City Council are subject to both Fair Political Practices Commission (FPPC) and City Charter provisions. The FPPC requires candidates for local elective offices to file campaign disclosure reports with the city clerk, providing the public with the identity of contributors and the amounts they contributed for contributions received from a single source totaling in the aggregate \$100 or more in a calendar year. Section 1405 of the City Charter further requires that "all candidates for the office of City Councilmember, and all committees supporting such candidate, shall file with the City a campaign statement containing the full name, street address, occupation and employer of, and the cumulative amount of contributions made by, any person who has made contributions in a cumulative amount of \$100 or more to said candidate or committee." In addition, section 2.10.040 dictates that the "city clerk shall cause the publication of the name and occupation of, and the cumulative amount of contributions made by, any person whose cumulative contributions to any candidate for the office of city councilmember or committee supporting such a candidate equal or exceed one hundred dollars, along with the name of the candidate or committee to which the contributions were made, on the Saturday immediately preceding the date of any municipal election."

Additionally, the State Elections Code, Division 20, Chapter 5, contains a Code of Fair Campaign Practices. The Elections Code includes a voluntary pledge which most candidates elect to sign and which then becomes part of the public record. Candidates who sign the pledge agree to:

- conduct the campaign openly and publicly
- refrain from character defamation, dishonest or unethical practices
- refrain from coercion of employees for election help or campaign contributions
- to immediately and publicly repudiate support deriving from individuals or groups which resort to unethical tactics on the candidate's behalf.

The City of Sunnyvale also has a Council-adopted Code of Ethics and Code of Conduct for Elected Officials, which contain guidelines for ethical behavior for Sunnyvale elected officials. The Code of Conduct for Elected Officials is applicable to officials who have already been elected. However, the Code of Ethics contains two provisions pertaining to candidates. Section 2 of the Code of Ethics ("Comply with the Law") states that "Members shall comply with the laws of the nation, the State of California and the City of Sunnyvale in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Sunnyvale City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures..." Section 17 ("Implementation") provides that "ethical standards shall be included in the regular orientations for candidates for City Council, applicants to boards and commissions, and newly elected and appointed officials."

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**DISCUSSION**

**If the City wants to provide a public education outreach regarding election ethics and guidelines to the citizens of Sunnyvale, it has several options, discussed below.**

Newsletter

One option for public education outreach is to publish a newsletter insert with the Quarterly Report, also available as a "stand-alone" brochure, dealing only with election campaign issues. Looking at neighboring jurisdictions for examples, both Livermore and Santa Clara have published newsletters, both approximately four pages in length, containing information regarding:

- Steps taken by the cities to promote ethics through workshops and other means
- Resources for questions and concerns about campaign ethics (E.g., Fair Political Processes Commission, Project on Campaign Conduct, Council on Governmental Ethics Laws)
- Requirements for campaign disclosure statements and where to find them
- The voluntary Code of Fair Campaign Practices pledge
- The City's Code of Ethics
- Voluntary expenditure limits
- State law regulating political ads, mailings, and "independent expenditures" how to evaluate them
- Information on who can vote and how
- "Fair" vs. "Unfair" campaign practices
- Characteristics by which to evaluate candidates
- The importance that the public participate in the election process

The City of Livermore's Campaign Ethics and Voter Guidelines pamphlet is a 4-page letter-size brochure. Another example is the City of Santa Clara's Campaign 2004 newsletter printed in a 4-page newspaper format document in red, white and blue ink. Samples of both of these campaign ethics documents were provided at the Study Session on October 10, 2006. If the Council decides to proceed with a Campaign Ethics and Voter Guidelines pamphlet the areas of campaign ethics and voter education addressed would be similar in subject and scope to what is in the Livermore and Santa Clara brochures. At the Study Session, the suggestion was made to form a sub-committee of interested Councilmembers to work with staff on developing the campaign ethics brochure.

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If the Council decides to proceed with a Public Awareness Program for Election Ethics and Fair Campaign Practices, the next steps would be to 1) decide whether a Council sub-committee shall be appointed and 2) direct the City's Communications Office, working with the City Manager, City Attorney, and/or a Council sub-committee if appointed, to develop a brochure or newsletter for distribution and to make a budget allocation for the costs of staff time for development of the brochure, printing and distribution.

Council also suggested at the Study Session that if the brochure is distributed in the Quarterly Report that the immediately prior Quarterly Reports contain advance notice that the Campaign Ethics brochure will be coming in the Quarterly Report prior to the election.

Multilingual Translation

All voter registrations, candidate qualifying, polling place notices, sample ballots, instructional forms, voter information pamphlets, and absentee and regular ballots must be translated, as required by the Voting Rights Act, if more than 5 percent of the citizens of voting age of the City are members of a single language minority and are limited-English proficient. (Voting Rights Act, 42 USCS § 1973aa-1a). Although the Voting Rights Act may not require that a campaign ethics brochure be translated, if the City has significant voting populations that are non-English speaking the Council may wish to consider translating the brochure into the same languages required by the Voting Rights Act. Santa Clara did not publish their newsletter in any language other than English. Translating and printing the newsletter in multiple languages will increase the cost of the publication. An alternative would be to include links in the newsletter to online translated versions of the newsletter.

Online Survey

An option for determining current public awareness of campaign ethics would be to conduct a public survey to determine the level of public awareness of election campaign guidelines and procedures. As part of their outreach program, Santa Clara conducted an online survey of a randomly selected sample of 10% of their constituents regarding their knowledge of current ethics requirements and the values considered most important to them. The data collected is now available in a 63-page report on the City of Santa Clara Website, and some of the data may be useful to the City of Sunnyvale if it elects to develop a public education outreach program.

Televised Workshop

The City of Livermore conducted a pre-election televised Campaign Ethics workshop, in which candidates, the Mayor, and current City Council members participated. Local media representatives and interested citizens also attended, and a video of the workshop was made available on the City's website. A Senior Fellow from the Markkula Center for Applied Ethics at Santa Clara University

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led the workshop. The City of Santa Clara also employed a consultant with the Markkula Center to assist with its development and implementation of Santa Clara's Code of Ethics and Values.

At the Study Session on October 10, 2006, Senior Fellow in Government Ethics Judy Nadler provided a presentation on how the Markkula Center on Applied Ethics could assist in setting up and moderating a public campaign ethics workshop for the Council and candidates. The City of Sunnyvale already uses KSUN to broadcast council and planning commission meetings, and the station would be available to broadcast a candidate Ethics Workshop. The recorded Ethics Workshop could be re-broadcast several times prior to the election.

**FISCAL IMPACT**

The fiscal impact will vary, depending on the Council's decision of which methods it chooses to employ in furtherance of a public awareness program. Cost estimates are approximate. Communications estimates that the materials cost for publishing and distributing a campaign ethics insert in the Quarterly Report and also making 1,500 copies of the newsletter available separately is approximately \$2,100. A mailer separate from the Quarterly Report would cost approximately \$18,000 for printing and postage. Translation costs are approximately \$500 per double-sided 8 ½ x 11 sheet. Staff costs for the development of the newsletter would be approximately \$3,500. KSUN production costs are between \$300 to \$500 per hour. The cost estimate for the Markkula Center On Applied Ethics to develop and moderate a televised workshop for candidates and Councilmembers is approximately \$15,000.

**CONCLUSION**

Candidates for City Council are subject to state and local ethics guidelines and regulations. The City currently has no organized public awareness and education program to inform the voting public about these ethics guidelines. A public awareness program can lead to a better informed electorate on campaign ethics and the ability to better understand and evaluate if a candidate is complying with campaign ethics guidelines. If the Council chooses to proceed with a public awareness program on campaign ethics options include developing and distributing a Campaign Ethics newsletter and/or holding a televised public workshop on campaign ethics prior to the next general election in 2007.

**PUBLIC CONTACT**

Public contact was made through posting of the Council agenda on the City's official notice bulletin board, posting of the agenda and report on the City's web page, publication of the Council agenda in the *San Jose Mercury News*, and the availability of the report in the Sunnyvale Library and the Office of the City Clerk.

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**ALTERNATIVES**

Alternative 1: Move to implement a Campaign Ethics Public Education Outreach Program for the City of Sunnyvale for the 2007 general election. Appoint a Council Sub-Committee of no more than three councilmembers to work with City staff to develop a campaign ethics brochure for general distribution, and Council to approve the brochure prior to distribution.

Alternative 2: Move to hold a televised Campaign Ethics workshop during the 2007 general election campaign and delegate authority to the City Manager to sign a contract with the Markkula Center On Applied Ethics for the development and moderation of a campaign ethics workshop prior to the 2007 general election, in an amount not to exceed \$20,000, subject to City Attorney review for form and legality.

Alternative 3: Move to allocate funds (in an amount that will depend on the scope of the program) from Council Set-Aside Fund for the Campaign Ethics Public Education Outreach.

Alternative 4: Do not implement a Campaign Ethics Public Education Outreach for the 2007 general election.

**STAFF RECOMMENDATION**

Staff is not making a specific recommendation and submits the alternatives for Council consideration and direction. If the Council decides to implement a Campaign Ethics Public Education Outreach for the 2007 election staff recommends that Council action include Alternative 3 to allocate funds for the new Campaign Ethics Public Education Outreach.

Prepared by:

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David E. Kahn, City Attorney

## ATTACHMENT B

### 7. **RTC 06-329 Public Awareness Program Related to Ethics Guidelines for City Council Elections**

City Attorney Kahn presented the staff report and noted that staff did not make a specific recommendation.

Mayor Swegles opened the Public Hearing at 10:51 p.m. No one wished to speak and Mayor Swegles closed the Public Hearing at 10:52 p.m.

MOTION: Councilmember Spitaleri moved and Vice Mayor Lee seconded to approve Alternative No. 1: Council implements a Campaign Ethics Public Education Outreach Program for the City of Sunnyvale for the 2007 General Election. Appoints a Council Sub-Committee of no more than three Councilmembers to work with City staff to develop a Campaign Ethics Brochure for general distribution, and Council to approve the brochure prior to distribution **and** approve Alternative No. 3: Council allocates funds (in an amount that will depend on the scope of the program) from Council Set-Aside Fund for the Campaign Ethics Public Education Outreach.

Mayor Swegles stated the staff report does not identify who would appoint the Sub-Committee. City Manager Chan stated that as proposed it would be a Council Sub-Committee; therefore, Council appoints the Sub-committee.

VOTE: 6-0 (Councilmember Hamilton absent)

Vice Mayor Lee and Councilmember Moylan expressed their interest in serving on the Sub-Committee.

Councilmember Chu suggested that the members of the Sub-Committee not include any Councilmembers who are running for re-election.

MOTION: Councilmember Howe moved that Councilmembers Moylan, Spitaleri, and Howe serve on the Sub-Committee with Councilmember Spitaleri serving as Chair of the Sub-Committee. Councilmember Chu offered to second the motion if the choice of the Chair is left to the committee. Councilmember Howe did not accept the second. Councilmember Spitaleri seconded the motion. Councilmember Moylan verified that Councilmember Spitaleri agrees to serving as Chair of this Sub-Committee.

**Restated** MOTION: Councilmember Howe moved and Councilmember Spitaleri seconded that Councilmembers Moylan, Spitaleri, and Howe serve on the Sub-Committee and Councilmember Spitaleri serves as Chair of the Sub-Committee.

VOTE: 6-0 (Councilmember Hamilton absent)



# ATTACHMENT C

REPORT TO MAYOR AND COUNCIL

OCA NO: 07-233

July 10, 2007

**SUBJECT: REPORT OF ETHICS SUB-COMMITTEE ON PROPOSED CAMPAIGN ETHICS BOCHURE**

## **REPORT IN BRIEF**

On October 24, 2006, the Council received the Report to Council on the 2006 Study Issue: Public Awareness Program Related to Ethics Guidelines for City Council Elections. The Council approved a motion to implement a Campaign Ethics Public Education Outreach Program for the City of Sunnyvale for the 2007 general election, and appointed a Sub-Committee (Councilmembers Howe, Moylan, Spitaleri) to work with City staff to develop a Campaign Ethics brochure for general distribution, with the Council approving the brochure prior to distribution. The Council also approved a fund allocation from the Council Set-Aside Fund (in an amount dependent on the scope of the program) to fund the printing and distribution of the Campaign Ethics brochure.

This is the report back to the full Council of the Council Ethics Sub-Committee on its recommendation for the brochure.

## **BACKGROUND**

The City Council designated a "Public Awareness Program Related to Ethics Guidelines for City Council Elections" as a 2006 study issue. The Council held a study session on campaign ethics public awareness programs on October 10, 2006.

Elections for City Council seats are held every two years and involve election campaigns by both incumbent and new candidates for Council seats. Candidates for elected office are subject to state and local requirements and guidelines for running an ethical campaign. The City has the option to proactively distribute to the general public written or media materials educating the public on campaign disclosure requirements and voluntary code of fair campaign practices guidelines for running an ethical and fair campaign.

During the election season, members of the public often have questions regarding whether there are campaign and disclosure guidelines for City Council candidates and may be unaware that these requirements exist. The public may also be unaware that the Fair Political Practices Commission provides a voluntary ethics pledge and the City has its own ethical guidelines and orientation. Providing information on the campaign and ethics guidelines for candidates will provide the public with valuable information to enable a

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choice informed by knowledge of ethical campaign guidelines and could also inspire a greater level of participation in the political process and discourage negative campaigning.

On October 24, 2006, the Council appointed a Sub-Committee (Councilmembers Howe, Moylan, Spitaleri) to work with City staff to develop a Campaign Ethics brochure for general distribution, with the Council approving the brochure prior to distribution. The Council also approved a fund allocation from the Council Set-Aside Fund (in an amount dependent on the scope of the program) to fund the printing and distribution of the campaign ethics brochure. The Council Ethics Sub-Committee is submitting its recommendation for the brochure for approval by the Council.

The Ethics Sub-Committee proposal for the brochure, which will be discussed by the Sub-Committee, includes:

- A brochure of the same size and colors as the Livermore brochure, for distribution in the Quarterly Report.
- Statement of purpose of the guide (like Santa Clara #1)
- Explanation of the new debate format and schedule (pending Council action)
- List of organizations and resources for questions, including City Clerk, FPPC, Markulla Center, Project on Campaign Conduct and stating what each organization is responsible for and how to contact them (similar to Livermore brochure, page 4)
- Things to watch out for during a campaign (combination of Santa Clara #6, #7 and #12 and Livermore #4)
- Article on, "Is It Hardball or Unethical?" (hypothetical examples, combination of Santa Clara #8 and #11)
- If room permits, relevant portions of the Sunnyvale Code of Ethics in addition to the rules candidates have agreed to follow (combination of Santa Clara #3 and #15)
- If room permits, information on how to register to vote (Santa Clara #13)
- The brochure should not have illustrations printed underneath text

Copies of the Livermore and Santa Clara brochures referenced are attached hereto as Attachments A and B to this report.

### **DISCUSSION**

This Report to Council was prepared as the procedural mechanism to put the Ethics Sub-Committee's report and recommendation before the full Council. The Ethics Sub-Committee will present and discuss its proposal for a campaign ethics brochure for Sunnyvale.

**FISCAL IMPACT**

Communications estimates that the materials cost for publishing and distributing a campaign ethics insert in the Quarterly Report and also making 1,500 copies of the newsletter available separately is approximately \$1,500. Translation costs are approximately \$500 per double-sided 8 ½ x 11 sheet. Staff costs for the production of the newsletter will be approximately \$2,000.

**CONCLUSION**

The report back from the Ethics Sub-Committee provides a proposed Sunnyvale Campaign Ethics Brochure format for approval by the Council. Funding for the brochure was previously approved.

If Council approves the proposed Sunnyvale Campaign Ethics Brochure format staff will proceed to prepare the brochure for printing and distribution in the Quarterly Report.

**PUBLIC CONTACT**

Public contact was made through posting of the Council agenda on the City's official notice bulletin board, posting of the agenda and report on the City's web page, publication of the Council agenda in the *San Jose Mercury News*, and the availability of the report in the Sunnyvale Library and the Office of the City Clerk.

**ALTERNATIVES**

1. Move to approve the proposed Sunnyvale Campaign Ethics Brochure format as recommended by the Council Ethics Sub-Committee.
2. Move to approve, as modified, the proposed Sunnyvale Campaign Ethics Brochure format as recommended by the Council Ethics Sub-Committee.
3. Do not approve the proposed Sunnyvale Campaign Ethics Brochure format as recommended by the Council Ethics Sub-Committee.

**RECOMMENDATION**

Staff prepared this Report to Council as the procedural method to place the Council Ethics Sub-Committee report and recommendation before the Council and makes no recommendation.

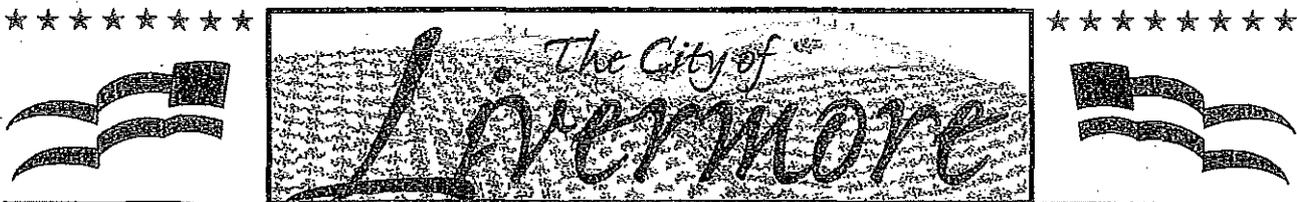
Prepared by:

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David E. Kahn, City Attorney

**Attachments**

- Attachment A- City of Livermore "Campaign Ethics and Voter Guidelines"  
Attachment B- City of Santa Clara "Campaign 2004, Ethics in Government Begins at the Ballot Box"



# Campaign Ethics & Voter Guidelines

A special newsletter edition from the City of Livermore • Campaign 2005 • Issue 21

*Ethics are standards of behavior that tell us what humans ought to do in their personal and professional lives. Ethics and ethical standards apply to individuals, organizations, and society as a whole.*

Markkula Center for Applied Ethics at Santa Clara University

The goal of this special Campaign 2005 newsletter is to help citizens evaluate political campaign ethics in order to make informed voting decisions by:

- Contrasting ethical vs. unethical campaign practices and conduct •
- Providing resources for questions and concerns about campaign ethics •
- Reporting the results of a recent Campaign Ethics workshop held at City Council Chambers •

## PROMOTING ETHICAL CAMPAIGNS & INFORMED VOTERS

On September 19, 2005, the City of Livermore conducted a pre-election televised Campaign Ethics workshop. Judy Nadler, Senior Fellow in Government Ethics at the Markkula Center for Applied Ethics at Santa Clara University led the workshop. As a former Santa Clara City Council member and Mayor, Judy shared first-hand experience along with practical guidelines in her curriculum. These guidelines for running an ethical campaign were used by workshop participants as a foundation for establishing the standards of conduct for Livermore political campaigns, candidates, and public officers.

Workshop participants included the Mayor, current City Council members, and candidates. Local media representatives and interested citizens also attended. Each of the public officers and candidates attending the workshop signed the following pledge:

*Because I believe our city deserves candidates who conduct fair, open and honest campaigns, I pledge to:*

- |                           |                              |
|---------------------------|------------------------------|
| <i>Be Truthful</i>        | <i>Be Responsible</i>        |
| <i>Be Fair</i>            | <i>Be Relevant</i>           |
| <i>Act with Integrity</i> | <i>Be Open</i>               |
| <i>Be Accountable</i>     | <i>Be Approachable</i>       |
| <i>Be Honest</i>          | <i>Honor/Respect</i>         |
| <i>Be Respectful</i>      | <i>Position as Incumbent</i> |

Reinforcing the above pledge is the California Code of Fair Campaign Practices, which has been signed by each Livermore candidate. This agreement encourages candidates to exhibit fair play in their campaigns and discuss issues, instead of untruths or distortions, in order to help citizens exercise their Constitutional rights and make informed voting decisions.

To view a rebroadcast of the Campaign Ethics workshop, visit [www.ci.livermore.ca.us](http://www.ci.livermore.ca.us). Under *Official Business*, select *Meeting Video On Demand*, and then select *Sept. 19, 2005*.

# WHAT'S FAIR & UNFAIR?

**Campaigning that's Fair & Ethical:** Campaigns can be highly critical and hard-hitting and still be fair and ethical. Staying true to a code of ethics and values does not mean that a candidate is limited to making only nice statements about an opponent. America's political process is founded upon the Constitutional guarantee of free

speech and democracy, which is not weakened by rough & tumble campaigning that stays within ethical boundaries. Ethical, but hard-hitting campaign messages that focus on the issues and the future rather than on personal shortcomings and petty bickering can strengthen the democratic process.

**Evaluating How Candidates Behave Toward Opponents:** If your alarm bell goes off when you read or hear messages that criticize candidates, the following guidelines may help you make informed decisions:

**What's Fair?**

- Criticism of a voting record
- Criticism of a policy position
- Comparison of experience
- Questions about leadership ability
- Debate of tough political issues

**What's Unfair?**

- Personal attacks
- Rumors and innuendos
- Distortions and lies
- Unsubstantiated charges of misconduct



## CHECKLIST FOR EVALUATING CANDIDATES

The Livermore City Council and candidates who attended the September 19, 2005 Campaign Ethics workshop signed a pledge to demonstrate the ethical qualities listed below during their campaigns and incumbencies. This checklist may help you evaluate the ethical qualities of candidates you are considering on the November ballot:

- 1) Write each candidate's name on the dashed lines at the top of checklist.
- 2) Place a checkmark under the candidate's name for each ethical quality or value you believe the candidate has demonstrated (a checked box means "yes" – a blank box means "no").

CANDIDATES' NAMES							
ETHICAL QUALITIES	TRUTHFUL						
	FAIR						
	ACTS WITH INTEGRITY						
	ACCOUNTABLE						
	HONEST						
	RESPECTFUL						
	RESPONSIBLE						
	RELEVANT						
	OPEN						
	APPROACHABLE						
HONORS/RESPECTS POSITION AS INCUMBENT							

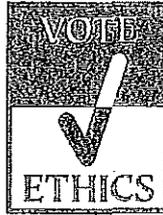


CITY OF SANTA CLARA

# Campaign 2004

## Ethics in government begins at the ballot box

Santa Clara is a national leader in incorporating community ethics and values into local government. But ethics in government really begins at the ballot box when voters compare candidates and choose who will best represent their interests on the City Council, protect their safety as Chief of Police, or maintain the integrity of City records and elections as City Clerk. Increasingly, voters have told the City that they want to elect individuals who are competent and ethical, but that they need some assistance



on how to assess ethics. What does "doing the right thing" look like in a political campaign? The purpose of this "Vote Ethics" Guide is to give voters the key questions and tools they need to fairly evaluate campaign ethics. Many people believe that the best predictor of the person's ethics tomorrow as an elected official may be the ethics displayed today as candidates. The "Vote Ethics" Guide is strictly non-partisan and makes no recommendations about specific candidates.

### A New Revolution Vote ethics this Election Day

Every generation needs a new revolution.  
Thomas Jefferson

This election, every voter has the opportunity to become part of a growing nation-wide revolution—an ethics revolution. From Maine to California, concerned communities are telling candidates they've had enough of politics-as-usual campaigns full of half-truths, innuendo, and "anything goes as long as I win." Instead, voters are telling candidates to debate each other about the real issues, to tell the truth about themselves and their opponents, and to give voters the real information they need to make informed choices.

This Guide is part of that revolution. We're asking you to "Vote Ethics"—that is, to let ethics be an important part of the decision about which candidates to support this November. Why? Because we want to elect men and women whose actions will continue to build public trust and confidence in the City, inspired by the City's Code of Ethics and Values.

Don't worry. No one is going to tell you which candidate should get your vote. No one will sit in judgment and declare that this or that behavior or candidate is ethical or not. The judgment about a candidate's character, like the decision on who to vote for, is your decision. Reaching those judgments yourself is your

continued on back page

Indecision may or may not be a problem.  
Jimmy Buffet

### How do candidates demonstrate their values?

They are ...

- Enthusiastic about finding solutions to community concerns
- Truthful about their experience, connections, policy positions and vision.
- Happy to answer tough questions about issues
- Independent in their thinking and open to hearing all perspectives
- Competitive in a fair, straightforward way
- Awestruck by the responsibility of serving the public good over personal gain
- Lawful in meeting the spirit as well as the letter of campaign rules

### Everyday ethics to build public trust

In 2000, the City of Santa Clara adopted a Code of Ethics and Values that was designed to increase public trust and confidence in government by promoting and maintaining the highest standards of personal and professional conduct among the people who work in or represent the City.

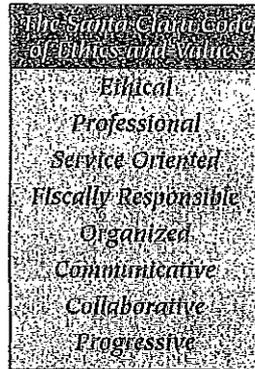
The Code was developed during a lengthy process involving Council Members, Commissioners, City staff and the public. The first step was to identify the core values that City representatives display when they are at their best. The Code makes it an ethical obligation for City representatives to practice each of the eight values every day in setting policy, operating a municipal government, or delivering city services.

Elected officials (the Mayor, City Council, Chief of Police, and City Clerk) have an additional responsibility in that they must serve as champions and credible role models of ethical behavior. They must be people of integrity—leaders who make ethically appropriate decisions and are able to explain or defend the ethics of their actions.

This year, as it has for the previous two election years, candidates attended a workshop on how to run a campaign consistent with the City's Code of Ethics. Additional resources were made available to help candidates think through different perspectives and the ethics of their decisions. Candidates are helped to see the questions they need to ask and the points of view they need to consider.

With this "Vote Ethics" Guide, the City of Santa Clara is taking the next step in its quest for making Santa Clara the most ethics-conscious community in California—outreach to voters to share information on how they can individually evaluate the ethics of how candidates campaign for public office.

The City's expectation for candidates, as it is for public officials, is that they should be role models for the City's Ethics and Values standards. No one except the candidate—not the campaign manager, supporters or consultants—has the ultimate responsibility for the ethical decisions and actions made during the campaign. Through their votes, citizens have the right and the responsibility to hold candidates accountable for the fulfillment of their promises to live the City's values and follow the City's Code of Ethics.



In recognition of its innovation, the City of Santa Clara's Code of Ethics and Values was selected as a "best practice" case study by the International City/County Management Association (ICMA).

Few things are harder to put up with than a good example.

Mark Twain

## Small Print Tells a Big Story

Campaign laws in California require that every political mailing and advertisement contain information on who is paying for it. Typically this information is in very small type in an inconspicuous location. But it is very important information to know in evaluating what is said in the campaign piece.

**Did you know that some candidates create a committee name to accept contributions?** Often, these committees have names like "Committee to elect ..." or "Friends of ..." The committee or candidate's name and street address must appear on the outside of the campaign mailer. In Santa Clara, voters can contact the City Clerk's Office to clarify who is behind a committee and whether it is controlled by the candidate or another group.

**Did you know that many of the brochures that "endorse" a variety of candidates for different offices are actually paid-for advertising by the candidates themselves?** The group that appears to be mailing the piece usually has a vague name that references family values, public safety, education, the environment, or even a political party. There is nothing wrong with candidates using some of their campaign funds to be part of a co-op mailing with other candidates, but is it ethical if voters are misled into thinking these are independent endorsements? Reading the small type will tell a voter a more complete story.

**Did you know that any individual or organization can send a political mailer or place an advertisement about a candidate, without the candidate's knowledge or approval?** And that these efforts do not count in the candidate's reporting of how much money was spent on the campaign? This type of political marketing is called "independent expenditures" and its purpose has been to uphold the Constitutional guarantee of free speech while encouraging an active public dialogue about candidates and issues. Requirements that candidates and their campaign workers be totally uninvolved in these efforts are strictly enforced. Unfortunately, independent expenditures have sometimes become vehicles for nasty "hit" pieces on a candidate's opponent, sometimes late in the campaign. Reading the small type will help a voter look at each campaign piece with a healthy dose of cynicism about its source and purpose.

The "Vote Ethics" Guide is published by the City of Santa Clara. For more information, contact the City Clerk's Office at (408) 615-2220 or email [clerk@cl.santaclara.ca.us](mailto:clerk@cl.santaclara.ca.us)

“What lies behind us and what lies before us are tiny matters compared to what lies within us.”  
Justice Oliver Wendell Holmes

## Ethical campaigns can be hard hitting

Staying true to a code of ethics and values does not mean that a candidate is limited to only saying nice things about the opponent. America has a long history of rough-and-tumble political campaigns and a Constitutional guarantee of free speech. Ethical campaigning does not weaken the democratic process; it strengthens it by focusing the political conversation on issues and the future rather than on personal foibles and petty bickering. Campaigns can be highly critical and hard-hitting ... and still fair and ethical.

### Fair

Criticism of a voting record.  
Criticism of a policy position.  
Comparison of candidates' experience.  
Questions about leadership ability.  
Debate of tough issues.

### Unfair

Personal attacks.  
Rumors and innuendo.  
Distortions and lies.  
Unsubstantiated charges of misconduct.

## California's Fair Political Practices Commission

Its mission: to promote the integrity of representative state and local government in California through fair, impartial interpretation and enforcement of political campaign, lobbying, and conflict of interest laws.

1-866-ASK-FPPC

(1-866-275-3772)

[www.fppc.ca.gov](http://www.fppc.ca.gov)

“Thinking is the hardest work there is.”  
Henry Ford

## Demand a fair fight

The Project on Campaign Conduct by the Institute for Global Ethics encourages voters throughout the U.S. to pressure candidates at all levels of government to run clean, honest campaigns that focus on issues. The Institute has produced a postcard that voters can send to candidates telling them to "fight fair."

To request a postcard for mailing to candidates, call 1-888-GO-VOTE or visit [www.campaignconduct.org](http://www.campaignconduct.org)

## Who likes negativity? Not many

A 2002 survey conducted for the Institute of Global Ethics reported that 86% think that attack-oriented campaigning is "unethical" and 82% said these tactics makes people less likely to vote. About three-fourths of the respondents also expressed the view that such techniques produce less trustworthy leaders.

If it works and gets people to vote a certain way, then negative campaigning will persist. If voters are adamant that they do not want to see attack-oriented campaigning - and they back up these feelings with their votes on Election Day - then negative campaign tactics will go away.

“Just because I don't agree with you doesn't mean that I'm disagreeable.”  
Sam Goldwyn, film producer

## Last minute mailings

Marketers know how important timing can be in trying to sell something. The best time to advertise food is when the customer is hungry. The best time to announce a tire sale is when the customer has a flat.

For political campaigns, timing is also a big issue. When will voters make up their minds about how to vote? Will it be when their absentee ballot arrives? (Remember, about 15% of the voters in Santa Clara County now opt for absentee ballots rather than going in person to a polling place.) Or do voters wait until a day or two before Election Day to decide who should win? Candidates and groups supporting them have strategic decisions to make about how to time the arrival of their mailings.

Many political mailers arrive the weekend before Election Day. Their timing may be part of a strategy to gain top of mind awareness in voters immediately before they head to the polls. But occasionally, these last minute mailers have a different purpose - they make unsubstantiated negative charges about an opponent, knowing there is no time for that candidate to respond.

Last minute mailers should receive careful reading and thoughtful consideration. What is the purpose of the mailer? Is it for you to positively remember a candidate's name and qualifications as you approach the ballot box? Or is it to make negative comments about an opponent at the last minute, perhaps unfairly?

## ATTACHMENT D

### 8. **RTC 07-233 Report of Ethics Sub-Committee on Proposed Campaign Ethics Brochure**

City Attorney David Kahn presented the staff report and stated the Council Ethics Subcommittee consisted of Councilmember Howe, Vice Mayor Spitaleri and Councilmember Moylan who made recommendations for the Campaign Ethics Brochure.

City Attorney Kahn turned the presentation over to the subcommittee.

Vice Mayor Spitaleri stated the committee is recommending moving forward on distributing the Sunnyvale Campaign Ethics Brochure to the community.

Public hearing opened 8:52 p.m.

Werner Gans stated support for approval of the campaign brochure.

Public hearing closed 8:53 p.m.

City Attorney Kahn stated the subcommittee's recommendations of what should be included in the brochure are contained in the staff report.

Councilmember Chu stated one of the recommendations for the brochure regarded included information on how to register to vote. Councilmember Chu inquired if this brochure would be distributed in enough time for someone reading it to still be able to register to vote. Councilmember Moylan stated it will go out with the City's next Quarterly Report in September, which will allow time to register.

Councilmember Chu inquired about the recommendations for the brochure and the committee members stated it received unanimous approval.

MOTION: Councilmember Howe moved and Councilmember Hamilton seconded to approve Alternative 1: Council approves the Sunnyvale Ethics Brochure as recommended by the Council Ethics Subcommittee.

VOTE: 7-0

## ATTACHMENT E

### 10. Council Discussion Report by Ethics Subcommittee and Action Regarding Ethics Brochure and Candidate Debates for November 2009 Council Election

Councilmember Howe provided a report from the ethics subcommittee. The ethics subcommittee will produce a brochure, similar to one produced during the last election. The brochure will cost approximately \$6,000 and will be included in the City's Quarterly Report.

The subcommittee agreed to approve two public candidate debates, one to be scheduled close to when the absentee ballots come out, and the other one close to the November 3, 2009 election. Should any negative campaign pieces surface, an additional debate will be scheduled for the night before the election. The ethics subcommittee will select the moderator, who will be an independent individual with no stake in the election and who has not given any campaign funds to anyone. The cost of the broadcast will be \$250 for each candidate forum.

Councilmember Hamilton verified with Councilmember Howe that the debate format will be left up to the moderator. Councilmember Hamilton stated that the League of Women Voters is interested in working with the City on the debates. Councilmember Howe responded that one of the current council candidates, offers office space to the League and therefore a question of impartiality would be a concern in accepting the League's offer of assistance.

Vice Mayor Moylan verified with Councilmember Howe that the subcommittee will continue to work on finalizing the brochure and will select the moderator; however, after that the City and Council will be removed from the process. Councilmember Howe stressed the importance of choosing a well-qualified and truly independent moderator.

Councilmember Whittum verified with Assistant City Manager Walker that typically the City allows any organization that provides a community service, such as the League of Women Voters, access to the council chambers. The League will be able to hold a public debate in the council chambers with the candidates. The chambers would be scheduled for no cost, but if the league requested to televise the debate on KSUN, they would need to pay for that service.

MOTION: Councilmember Howe moved and Councilmember Swegles seconded the motion to appropriate \$6,000 with a 10 percent contingency, based on staff's estimate, for the cost of printing brochures, and up to \$1,000 for the cost of holding public candidate debates, and directed the city manager to have staff cooperate with the moderator in putting on the debates.

Public hearing opened at 10:30 p.m.

No speakers.

Public hearing closed at 10:30 p.m.

Vice Mayor Moylan thanked the subcommittee for following up on this process again this year. Vice Mayor Moylan stated this process has been done for the past two years and negative campaigning has seemed to decrease. The adoption of having a "Last Word" event where negative items have a forum to be discussed at the last minute is a positive addition.

VOTE: 7-0

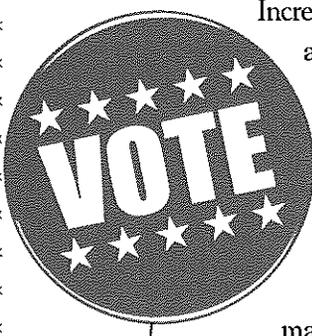


# Campaign Ethics Guide

Special Supplement to the Fall 2009 Quarterly Report

## Purpose of This Guide

Sunnyvale was one of the first cities in the region to adopt a Code of Ethics for its elected officials, and we have been a model for many other communities. But ethics in government really begins at the ballot box, when voters compare candidates and choose who will best represent their interests on the City Council.



Increasingly, voters have said that they want to elect individuals who are competent and ethical, but that they need some assistance on how to assess ethics. What does "doing the right thing" look like in a political campaign? The purpose of this *Campaign Ethics Guide* is to give voters the key questions and tools that they need in order to evaluate campaign ethics fairly. Many people believe that the best predictor of a person's ethics as an elected official is the behavior displayed by that person as a candidate. This *Campaign Ethics Guide* is strictly nonpartisan and makes no recommendations about specific candidates.

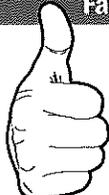
### Ethical versus Unethical Criticism

A 2002 survey conducted for the Institute of Global Ethics reported that 86 percent of the respondents thought that attack-oriented campaigning is unethical, and 82 percent said that such tactics make citizens less likely to vote. About three-fourths of the respondents also expressed the view that such techniques produce less trustworthy leaders.

If negative campaigning works, it will persist. If voters are adamant that they do not want to see attack-oriented campaigning - and they back up those feelings with their votes on Election Day - then negative campaigning tactics will go away.

Staying true to a code of campaign ethics does not, however, mean that a candidate is limited to saying only nice things about an opponent. For example, voters have a right to expect any candidate running against an incumbent to make the case against the incumbent's record in order to earn a vote. Legitimate criticism is ethical. America has a long history of rough-and-tumble political campaigns as well as a Constitutional guarantee of free speech. Ethical campaigning does not weaken the democratic process; it strengthens it by focusing the political conversation on issues and the future rather than on personal foibles and petty bickering. Campaigns can be highly critical and hard-hitting, while remaining fair and ethical.

**Fair**



- Criticism of a voting record
- Criticism of a policy position
- Comparison of candidates' experience
- Questions about leadership ability
- Debate of tough issues

**Unfair**

- Personal attacks
- Rumors and innuendo
- Distortions and lies
- Unsubstantiated charges of misconduct
- Assertions that candidates are qualified or unqualified based on ethnicity, gender, sexual orientation, age, religious beliefs or physical condition.



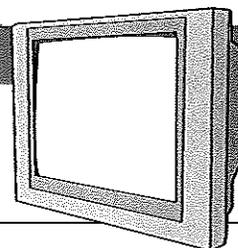
### Candidate Debates and Forum

#### Live KSUN-15 Broadcast

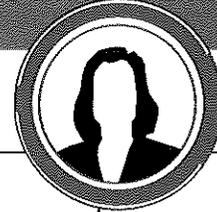
7 p.m., Tuesday, September 24 (Part 1)  
7 p.m., Thursday, October 13 (Part 2)  
Watch it live in Council Chambers, or on KSUN-15  
Rebroadcast throughout October

#### Candidate Response Night (if warranted)

7 p.m., Monday, November 2 (Live on KSUN-15)  
If warranted, candidates can respond to their opponent's negative campaigning



# Things to Watch Out For



Candidates introduce themselves to us both by their observable behavior during campaigns and by the political mailers that they send to us. Both of these information sources provide us with ethical information as well.

## Behavior

Here are some examples of red flags to watch out for during campaigns.

- A candidate who identifies himself or herself on the ballot as a "teacher" because he or she occasionally leads a yoga class, or a "business executive" because he or she owns a small business
- A candidate who encourages supporters to take down the yard signs of opponents
- A candidate who refuses to debate
- A candidate who says that an opponent will be distracted from doing a good job in office because of his or her teenage son's drug problems
- An incumbent councilmember or commission member who campaigns during city-sponsored events, or hands out city business cards for campaign purposes
- A candidate who treats opponents with open disrespect during forums or debates
- A candidate who changes viewpoints to please different audiences
- A candidate who steals flyers left by opponents on private property
- A candidate who exhibits different conduct in private versus public life
- A candidate who asks for financial contributions or donations in exchange for a vote after the candidate is elected.
- Anonymous attack documents

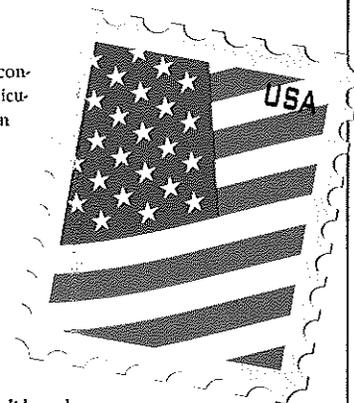
## Mailers

**Read the Fine Print.** Campaign laws in California require that every political mailing and advertisement contain information on who is paying for it. Typically, this information is in very small type in an inconspicuous location. But this is very important information to know in evaluating what is said in the campaign piece.

**Most candidates create a committee name to accept contributions.** Often, these committees have names like "Committee to elect ..." or "Friends of ..." The committee or candidate's name and street address must appear on the outside of the campaign mailer. In Sunnyvale, voters can contact the City Clerk's Office to clarify who is behind a committee and whether it is controlled by the candidate or another group.

**Many of the brochures that "endorse" a variety of candidates for different offices are actually paid advertising by the candidates themselves.** The group that appears to be mailing the piece usually has a vague name that references family values, education, the environment or even a political party. There is nothing wrong with candidates using some of their campaign funds to be part of a co-op mailing with other candidates, but it is unethical to mislead voters into thinking these are independent endorsements.

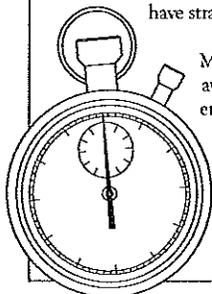
**Any individual or organization can send a political mailer or place an advertisement about a candidate, without the candidate's knowledge or approval.** This type of political marketing is called an "independent expenditure" and it is covered under the First Amendment guarantee of free speech. What's more, money spent by independent groups on behalf of candidates is not reported on Fair Political Practices Commission (PPPC) campaign spending forms. Unfortunately, independent expenditures have sometimes been used for nasty hit pieces on a candidate's opponent. Check the source!



## Last-Minute Mailings

Marketers know how important timing can be when trying to sell something. The best time to advertise food is when the customer is hungry; the best time to announce a tire sale is when the customer has bald tires.

In political campaigns, timing is also a big issue. When will voters make up their minds about how to vote? Will it be when their absentee ballot arrives? Currently, about two-thirds percent of voters in Santa Clara County now opt for absentee ballots rather than going in person to a polling place. Or do voters wait a day or two before Election Day to decide whom to support? Candidates and groups supporting them have strategic decisions to make about timing the arrival of their political mailings.



Many political mailers arrive the weekend before Election Day. Often, the timing is part of a strategy to gain top-of-mind awareness in voters immediately before they head to the polls. Sometimes, though, these last-minute mailers have a different purpose: they make unsubstantiated negative charges about an opponent, knowing there is no time for that candidate to respond. Such mailers are clearly unethical and the accusations they contain should be disregarded.

Most people behave ethically under ordinary circumstances. It is during times of stress, such as the final days of a political campaign, when those with only a limited commitment to personal ethics tend to show their hands. Such circumstances provide valuable information to voters regarding how different individuals would respond as councilmembers when the inevitable crises occur.

# Campaign Ethics Code

The Fair Political Practices Commission has composed a Fair Campaign Practices Pledge which City Council candidates are asked to sign. If you feel that any candidate has signed the pledge and then violated it, contact the campaign for an explanation. If you are not satisfied with that explanation, contact the resource groups listed elsewhere in this *Guide* and if they agree that the actions have been unethical, feel free to publicize your concerns.

## Fair Campaign Practices Pledge

- (1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties which merit such criticism.
- (2) I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.
- (3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on race, sex, religion, national origin, physical health status, or age.
- (4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections, or which hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.
- (5) I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees.
- (6) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.
- (7) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

## Sunnyvale Code of Ethics

Candidates who are currently serving either as incumbent Council members or on city boards and commissions are bound by the City's Code of Ethics. The portions of the Code relevant to campaigns are the following:

**Comply with the Law.** Members shall comply with the laws of the nation, the State of California and the City of Sunnyvale in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Sunnyvale City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

**Conduct of Members.** The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public.

**Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

**Use of Public Resources.** Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

It is crucial that individuals who are campaigning for City Council while simultaneously serving in some capacity on the City government keep the two activities separate.

## Registering to Vote

### Who is eligible to vote in California?

In order to vote, you must be:

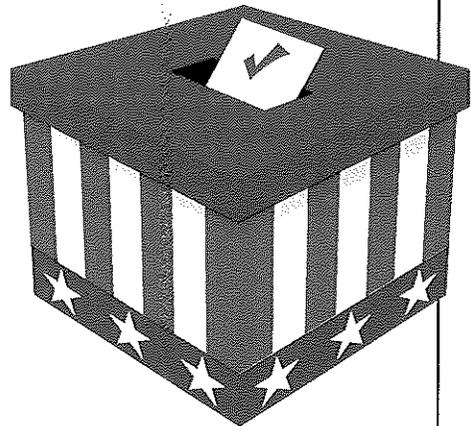
- A U.S. citizen
- At least 18 years old by Election Day
- A California resident
- Registered at least 15 days before the election
- Not in prison or on parole for a felony
- Not declared mentally incompetent by court action

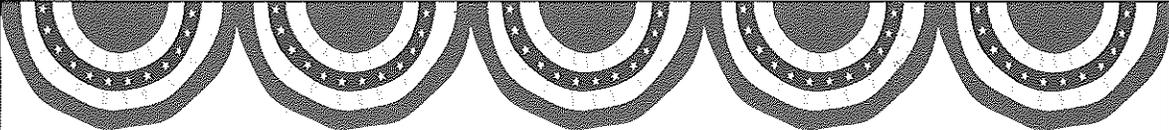
### How does one register to vote?

California has postcard registration. The postcards are available at many convenient locations, including:

- Registrar of Voters building, 1535 Berger Drive, Building 2, San Jose
- Online at [www.sccvote.org](http://www.sccvote.org)
- U.S. post offices
- Department of Motor Vehicles offices
- Sunnyvale Public Library and other public libraries
- Sunnyvale City Hall, 456 W. Olive Ave.
- Sunnyvale fire stations

City Council candidates sometimes carry extra postcards when they go door-to-door around the City to meet voters.





## Resources for Campaign Ethics Questions and Concerns

### California Fair Political Practices Commission (FPPC)

Web site: [www.fppc.ca.gov](http://www.fppc.ca.gov) - Telephone: (866) 275-3772

The FPPC was created as a result of California voters passing the Political Reform Act of 1974 (Proposition 9). FPPC's mission is to promote the integrity of representative state and local government in California through fair, impartial interpretation and to enforce political campaign, lobbying, and conflict-of-interest laws. The FPPC educates the public and public officials on the requirements of the Act through written and oral advice, seminars, training sessions, and literature. The FPPC investigates alleged violations of the Political Reform Act, imposes penalties when appropriate, and assists state and local agencies to develop and enforce conflict-of-interest codes. If you wish to report a violation of campaign laws, call here.

City Council candidates are required to file FPPC Form 460 at regular intervals during campaigns to report the financial contributions that they have received from individuals and groups, as well as how they have spent that money. Those forms are available for inspection or photocopy at the City Clerk's office.

### Markkula Center for Applied Ethics

Web site: [www.scu.edu/ethics](http://www.scu.edu/ethics) - Telephone: (408) 554-5319

The Markkula Center for Applied Ethics at Santa Clara University is one of the preeminent centers for research and dialogue on ethical issues in critical areas of American life. The Center works with faculty, staff, students, community leaders and the public to address ethical issues more effectively in teaching, research, and action. The Center's focus areas are business, health care and biotechnology, character, education, government, global leadership, technology and emerging issues in ethics. If you are unsure as to whether something you observed during a campaign was unethical, this is an excellent place to call.

### Council on Governmental Ethics Laws (COGEL)

Web site: [www.cogel.org](http://www.cogel.org) - Telephone: (706) 548-7758

COGEL is a professional organization for government agencies, organizations and individuals with responsibilities or interests in governmental ethics, elections, campaign finance, lobby laws and freedom of information.

### Institute for Local Government

Web site: [www.ilsg.org](http://www.ilsg.org) - Telephone: (916) 658-8236

As a nonprofit arm of the League of California Cities, the Institute for Local Government has developed The Local Officials' Ethics Resource Center to assist local officials with a broad range of ethical issues. To review resources, visit [www.ilsg.org](http://www.ilsg.org) and select Ethics. The League of California Cities ([www.cacities.org](http://www.cacities.org)) is an association of California city officials working together to enhance their knowledge and skills, exchange information, and combine resources so that they may influence policy decisions that affect cities.



### Special Thanks

The City of Sunnyvale gratefully acknowledges the City of Livermore, the City of Santa Clara and the Markkula Center for Applied Ethics at Santa Clara University for their generous permission to reprint certain items in this election ethics guide.

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